



IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STEPHEN MOYER, Esq., Administrator
of the Estate of Charlotte J. Finck
9 East Kossuth Street
Columbus, Ohio 43206,

Case No.:

SARAH POPOVICH,
Individually and as Natural Parent
and Next Friend of Minor Children
Wesley and William Popovich
1040 [REDACTED]ock Burn Drive
Colu [REDACTED] Ohio 43235,

Judge

**JURY DEMAND
ENDORSED HEREON**

CHARLES POPOVICH
Individually and as Natural Parent
and Next Friend of Minor Children
Wesley and William Popovich
1040 [REDACTED]ock Burn Drive
Colu [REDACTED] Ohio 43235,

Plaintiffs,

v.

SIMBAD LLC
c/o Bakhtiyar Khasrat, Statutory Agent
6105 Buttonbush Street
Tipp City, Ohio 45371,

BAKHADIR KUZIKOV
36 Baltimore Street
Dayton, Ohio 45404,

JOHN DOES 1-10
Names and Addresses Unknown

Defendants.

COMPLAINT

Steven Moyer, Administrator of the Estate of Charlotte Fink, as well as Sarah Popovich and Charles Popovich, individually and as next friend for their minor children Wesley Popovich

and William Popovich (collectively "Plaintiffs") for their Complaint against Simbad LLC ("Simbad") and Bakhadir Kuzikov ("Kuzikov") state:

PARTIES JURISDICTION AND VENUE

1. Stephen Moyer, Esq. has been duly appointed by the Franklin County Probate Court, in case number 598403, to serve as Administrator of the Estate of Charlotte Finck.
2. At the time of the crash, Charlotte Fink was a resident of Franklin County, Ohio.
3. At the time of the crash, Sarah Popovich, her husband Charles Popovich, and their children Wesley and William Popovich were all residents of Franklin County, Ohio.
4. At the time of the crash, Simbad LLC was a Limited Liability Company registered to do business in the State of Ohio and maintained a principal place of business in Montgomery County, Ohio.
5. At the time of the crash, Bakhadir Kuzikov was a resident of Montgomery County, Ohio.
6. This Court has jurisdiction over this matter because the crash occurred in Franklin County, Ohio.
7. Venue is proper in this Court pursuant to Civil Rule 3(C) (3).
8. John Does 1-10 are individuals or entities, whose identities and addresses are not yet known, but are also liable to Plaintiffs for the wrongful death, survivorship and personal injury claims asserted in this Complaint, including other possible motor carriers, shippers or brokers.

FACTS

9. On or about March 26, 2019, Plaintiff Sarah Popovich was a restrained driver and was lawfully operating a 2006 Ford 500 ("Plaintiffs' vehicle") on the exit ramp from Interstate 270 to Fishinger Road in Hilliard, Ohio.

10. Charlotte Finck was a restrained passenger in the Plaintiffs' vehicle.

11. Ms. Popovich was stopped at a red light on the exit ramp from Interstate 270 waiting to turn east onto Fishinger Road.

12. On March 26, 2019, Defendant Simbad LLC was transporting a load for hire via a semi tractor-trailer and Defendant Kuzikov was operating the semi tractor-trailer in the course and scope of his employment with Simbad LLC.

13. Defendant Kuzikov exited Interstate 270 onto the Fishinger Road exit ramp.

14. Defendant Kuzikov negligently and/or recklessly failed to slow down and/or stop his semi tractor-trailer while on the exit ramp, and crashed into and/or ran over the Plaintiffs' vehicle at speeds in excess of 50 mph.

15. Charlotte Finck survived the crash, sustained conscious pain and suffering and/or pre-impact terror, but died later that day from her injuries.

16. Plaintiff Sarah Popovich survived the crash and sustained significant injuries including permanent and substantial physical deformities and extensive emotional distress from her own physical injuries as well as from the injuries and death of her grandmother, Charlotte J. Finck, who was killed in the same crash.

FIRST CLAIM
(Wrongful Death & Survivorship – Kuzikov & Simbad)

17. Plaintiffs repeat and reallege the allegations set forth in the preceding paragraphs as if fully rewritten herein.

18. Defendant Kuzikov had a common law and statutory duty to safely and lawfully operate the semi tractor-trailer, slow the semi tractor-trailer to a safe speed while exiting the freeway, to maintain an assured clear distance ahead and to take other reasonable steps and/or follow other laws to safely operate the semi tractor-trailer.

19. Plaintiff Sarah Popovich was lawfully operating the Plaintiffs' vehicle on a public roadway and had the vehicle lawfully stopped on the exit ramp, with her grandmother, Charlotte Finck, in the front passenger seat.

20. Defendant Kuzikov negligently and/or recklessly breached his duties and proximately caused injuries and death of Charlotte Finck.

21. Defendant Kuzikov was acting within the course and scope of his employment with Simbad LLC and therefore Simbad LLC is vicariously liable for his conduct.

22. The conduct of Defendant Kuzikov and Defendant Simbad LLC, both vicariously and directly, presented a reckless disregard for the rights and safety of the motorists of Ohio, including Charlotte Finck.

23. Defendants Kuzikov and Simbad LLC's actions and omissions demonstrate malice, aggravated and egregious fraud and Simbad knowingly authorized, participated in and ratified actions and omissions of Defendant Kuzikov.

24. Defendants Kuzikov and Simbad LLC's actions and omissions proximately caused Charlotte Finck to experience conscious pain and suffering, pre-impact terror and other damage to personal property, and therefore the Administrator of the Estate of Charlotte Finck hereby asserts a survivorship claim.

25. As a direct and proximate result of Defendants' negligence, negligence *per se* and/or reckless conduct, Charlotte Finck was severely injured and later died. The Estate of

Charlotte Finck hereby brings a wrongful death and survivorship claim on behalf of the Estate and all beneficiaries and next of kin for all damages available under the law for those claims.

SECOND CLAIM
(Negligence/Recklessness – Kuzikov & Simbad)

26. Plaintiffs repeat and reallege the allegations set forth in the preceding paragraphs as if fully rewritten herein.

27. Defendant Kuzikov had a common law and statutory duty to safely and lawfully operate the semi tractor-trailer, slow the semi tractor-trailer to a safe speed while exiting the freeway, to maintain an assured clear distance ahead and to take other reasonable steps and/or follow other laws to safely operate the semi tractor-trailer.

28. Plaintiff Sarah Popovich was lawfully operating Plaintiffs' vehicle on a public roadway and had the vehicle lawfully stopped on the exit ramp.

29. Defendant Kuzikov breached his duties of care and proximately caused Plaintiff Sarah Popovich's physical and mental injuries and damages, as well as injuring and causing the death of Charlotte Finck.

30. Defendant Kuzikov was acting within the course and scope of his employment with Simbad LLC and therefore Simbad LLC is vicariously liable for his conduct.

31. The conduct of Defendant Kuzikov and Defendant Simbad LLC, both vicariously and directly, presented a reckless disregard for the rights and safety of the motorists of Ohio, including Plaintiff Sarah Popovich and Charlotte Finck.

32. Defendants Kuzikov and Simbad LLC's actions and omissions demonstrate malice, aggravated and egregious fraud and Simbad knowingly authorized, participated in and ratified actions and omissions of Defendant Kuzikov.

33. As a direct and proximate result of Defendants' negligence, negligence *per se* and/or reckless actions or omissions, Plaintiff Sarah Popovich was severely injured and suffered damages including a traumatic brain injury, scarring, fractures to her spine, pelvis and other physical injuries. She has additionally suffered past, present and future pain and suffering, mental anguish, loss of capacity for enjoyment of life. She has also incurred medical expenses and other economic damages well in excess of \$100,000 to date, and these damages and losses will continue into the future.

THIRD CLAIM
(Loss of Consortium – Charles, Wesley and William Popovich)

34. Plaintiffs hereby incorporate by reference the preceding paragraphs of this Complaint as if fully recited herein.

35. At the time of the crash, Plaintiff Charles Popovich, was and remains the lawful husband of Plaintiff Sarah Popovich and the two were living together as husband and wife.

36. At the time of the crash, Plaintiff Wesley Popovich, was and remains the minor son of Plaintiffs Sarah and Charles Popovich, and was living with and being cared for by Sarah Popovich at the time of the crash.

37. At the time of the crash, Plaintiff William Popovich, was and remains the minor son of Plaintiff Sarah and Charles Popovich and was living with and being cared for by Sarah Popovich at the time of the crash.

38. As a direct and proximate result of the acts, omissions and/or reckless conduct of the Defendants, as alleged herein, Plaintiff Charles Popovich, Wesley Popovich and William Popovich have sustained a loss of consortium of their wife and mother, Sarah Popovich and are entitled to full compensation for their loss in an amount determined at trial.

39. The loss of consortium and damages arising therefrom is continuing in nature.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment against all Defendants as follows:

1. Just and fair compensation for each Plaintiff and the Estate of Charlotte Finck far in excess of \$25,000.
2. Punitive damages.
3. Attorney's fees, costs, prejudgment interest and post judgment interest.
4. Any other relief this Court deems just and equitable.

Respectfully submitted,

s/Daniel R. Mordarski

Daniel R. Mordarski (0063228)
LAW OFFICES OF
DANIEL R. MORDARSKI LLC
5 East Long Street, Suite 1100
Columbus, Ohio 43215
(614) 221-3200 – Telephone
(614) 221-3201 – Facsimile
dan@mordarskilaw.com

*Attorney for Stephen Moyer, Esq.
Administrator of the Estate of Charlotte J. Finck*

s/Ashley Rutherford Starling

Ashley Rutherford Starling (0084009)
Jason E. Starling (0082619)
WILLIS SPANGLER STARLING
4635 Truemann Boulevard, Suite 200
Hilliard, Ohio 43026
(614) 586-7900 – Telephone
(614) 586-7901 – Facsimile
astarling@willisattorneys.com
jstarling@willisattorneys.com

*Attorneys for Plaintiffs
Sarah, Charles, Wesley & William Popovich*

JURY DEMAND

Plaintiff hereby demands a trial by a jury of eight (8) persons on all issues triable under the law.

s Daniel R. Mordarski

Daniel R. Mordarski (0063228)